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Association, as Trustee for GSAA 2007-9,
and Wells Fargo Bank, N.A.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In Re: RACHAEL EARL, Debtor. Proceedings Under Chapter 13
Case No. 2:10-bk-27333-SSC
Adversary No. 2:10-ap-02243-SSC

RACHAEL EARL, an individual
Plaintiff.

17 US BANK NATIONAL ASSOCIATION
18 AS TRUSTEE FOR GSAA 2007-9 BY
19 ITS ATTORNEY IN FACT WELLS
20 FARGO BANK N.A., SUCCESSOR BY
MERGER TO WELLS FARGO HOME
MORTGAGE INC.: DOES 1-10,000

Proceedings Under Chapter 13
Case No. 2:10-bk-27333-SSC
Adversary No. 2:10-ap-02243-SSC

**DEFENDANTS' PRELIMINARY LIST
OF WITNESSES AND EXHIBITS**

Defendants U.S. Bank National Association, (“US Bank”), by and through undersigned counsel, hereby submits its list of witnesses and exhibits:¹

24 | I. WITNESSES US BANK INTENDS TO CALL AT HEARING

- 25 1. Christopher Reich (by Declaration)
26 2. Lisa Rogers

¹ Defendant reserves the right to utilize additional witnesses and documents not listed herein. Plaintiff did not file its list until after 8:00 p.m. the night before the preliminary injunction hearing.

- 1 3. Any witnesses necessary to establish foundation for documentary evidence;
- 2 4. Any fact witness listed by Plaintiff in its disclosure of witnesses and exhibits, or
- 3 otherwise sought to be presented at the Hearing; and
- 4 5. Any other person(s) with knowledge of the relevant facts and circumstances in
- 5 this case that are necessary to rebut any fact offered by Plaintiff.

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7 **II. EXHIBITS US BANK INTENDS TO USE AT EVIDENTIARY HEARING** ²

- 8 A. Note, dated April 12, 2007;
- 9 B. Deed of Trust, dated April 12, 2007;
- 10 C. Notice of Default, dated November 16, 2008;
- 11 D. Corporation Assignment Deed of Trust, dated January 15, 2008;
- 12 E. Statement of Breach or Non- Performance, dated January 15, 2008;
- 13 F. Substitution of Trustee, recorded in the Maricopa County Recorder's Office
- 14 on January 16, 2009, as Sequence Number 2009-0041299;
- 15 G. Notice of Trustee's Sale, recorded in the Maricopa County Recorder's
- 16 Office on January 16, 2009, as Sequence Number 2009-0041300;
- 17 H. Affidavit of Publication for Notice of Trustees Sale, published on February
- 18 5, 12, 19, and 26, 2009;
- 19 I. Affidavit of Posting Notice of Trustee's Sale, dated March 16, 2009;
- 20 J. Letter from Tiffany & Bosco to R. Earl, dated June 30, 2009;
- 21 K. Letter from R. Earl to Tiffany & Bosco, dated July 15, 2009;
- 22 L. Letter from Wells Fargo Home Mortgage to R. Earl, dated August 12, 2009;
- 23 M. Letter from Wells Fargo Home Mortgage to R. Earl, dated September 15,
- 24 2009;
- 25 N. Letter from Wells Fargo Home Mortgage to R. Earl, dated September 16,
- 26 2009;

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² Exhibits A-DD are attached to "Defendants' Preliminary Injunction Hearing Memorandum" filed on

June 28, 2011 (Docket No. 21).

- 1 O. Letter from Wells Fargo Home Mortgage to R. Earl, dated September 18,
- 2 2009;
- 3 P. Letter from Tiffany & Bosco to R. Earl, dated January 7, 2010;
- 4 Q. Trustee's Deed Upon Sale recorded in Maricopa County Recorder's Office
- 5 on January 15, 2010, as Sequence Number 2010-0035162.
- 6 R. Complaint, dated February 2, 2010 (CV2010-006146);
- 7 S. Motion for Judgment on the Pleadings, dated March 8, 2010 (CV2010-
- 8 006146);
- 9 T. Docket of CV2010-006146, as of January 1, 2010;
- 10 U. Verified Complaint for Emergency Temporary Restraining Order and
- 11 Request for Declaratory and Injunctive Relief to Vacate Trustee's Sale,
- 12 dated February 19, 2010 (CV2010-090616);
- 13 V. Order, dated May 18, 2010 (2:10-cv-00678);
- 14 W. Plaintiffs Motion to Dismiss Complaint Without Prejudice, dated July 12,
- 15 2010 (2:10-cv-00678);
- 16 X. Order, dated August 10, 2010 (2:10-cv-00678);
- 17 Y. Judgment of Dismissal in a Civil Case, dated August 11, 2010 (2:10-cv-
- 18 00678);
- 19 Z. Order, dated May 17, 2010 (2:10-bk-05650);
- 20 AA. Order, dated May 24, 2010 (2:10-bk-05650);
- 21 BB. Minute Entry, dated August 19, 2010 (CV2010-006146);
- 22 CC. Opposition to Plaintiff's Motion for Judgment on the Pleadings, dated July
- 23 7, 2010 (CV2010-006146);
- 24 DD. Amended Order, dated November 23, 2010 (CV2010-006146);
- 25 EE. Declaration of Christopher Reich, dated June 28, 2010;
- 26 FF. TDUSDS Report, dated June 24, 2011;

- GG. Without waiving any objections to their admissibility, any exhibits listed by Plaintiff in its disclosure of witnesses and exhibits, or otherwise sought to be presented at the Hearing; and
- HH. Any exhibits necessary to rebut any facts or opinions disclosed, or sought to be presented at the Hearing, by Plaintiff.

Dated this 29th day of June, 2011.

SNELL & WILMER L.L.P.

By: /s/ SDJ - 018420

Steven D. Jerome
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Association, as Trustee
Wells Fargo Bank, N.A.

COPY of the foregoing served by electronic notification or U.S. Mail on June 29, 2011, to:

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/s/ Mary J. Minnick